

# IN THE MICHIGAN COURT OF APPEALS

## ORDER

Re: **Donald D McLean v Robert B McElhaney MD**  
Docket No. **290781**  
L.C. No. **03-006994-NH**

Donald S. Owens, Judge, acting under MCR 7.211(E)(2), orders:

The motion for leave to file a reply to appellee's answer is GRANTED.

The motion to strike appellee's brief is GRANTED. The record on appeal is limited to the record filed in the trial court. MCR 7.210(A)(1). It consists of the pleadings and papers filed in the trial court, the transcript of any proceedings, and the exhibits introduced into evidence, or offered and excluded. MCR 7.210(A)(1) & (3). A request to expand the record must be made by motion.

Appellees may file a conforming brief excluding any exhibits that were not made part of the record, or references to material outside the record, within 14 days of the certification of this order.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

OCT 15 2009

Date

*Sandra Schultz Mengel*  
Chief Clerk